

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:09CR451
vs.)	
)	PRELIMINARY ORDER
JUSTIN SUCHANEK,)	OF FORFEITURE
)	
Defendant.)	

NOW ON THIS 26th day of March, 2010, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts I and II of the Superseding Indictment. Count I of said Superseding Indictment charges the Defendant with one count of possessing with intent to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1)&(b)(1). Count II of said Superseding Indictment charges the Defendant with using the following properties to commit and to facilitate the commission of the violations alleged in Count I of said Superseding Indictment:

1999 Jeep Wrangler / TO Sahara, bearing Nebraska license plate 8-F5995, with the VIN 1J4FY49S6XP447717;

2005 Chevrolet Silverado, bearing Nebraska license plate 8-16696, with the VIN 2GCEK13T051252998;

1984 Chevrolet C10 customized pickup truck with the VIN 2GCDC14H5E1150079;

2005 Kawasaki ZX1000C1 motorcycle with the VIN JKAZXCC165A025148;

2008 KTM 450 Dirt Bike;

2009 Yamaha YFZ 450 Sport Quad;

2006 Yamaha YZF 450 Sport Quad;

1998 Series H & H custom utility trailer with a paint job matching the 2005 Chevrolet Silverado listed in item (b) of this count;

\$2,159 in United States currency seized on December 15, 2009, from the 2005 Chevrolet Silverado listed above;

\$11,358 in United States currency seized from the residence at 407 East 2nd Street, Apt. #3, Grand Island, Nebraska on December 15, 2009;

\$1,120 in United States currency seized from the residence at 4612 East Seedling Mile Road, Grand Island, Nebraska on December 15, 2009.

2. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C., § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Count II of the Superseding Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the following-described properties:

1999 Jeep Wrangler / TJ Sahara, bearing Nebraska license plate 8F5995, with the VIN 1J4FY49S6XP447717;

2005 Chevrolet Silverado, bearing Nebraska license plate 8-16696, with the VIN 2GCEK13T051252998;

1984 Chevrolet C10 customized pickup truck with the VIN 2GCDC14H5E1150079;

2005 Kawasaki ZX1000C1 motorcycle with the VIN JKAZXCC165A025148;

2008 KTM 450 Dirt Bike;

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\$1,120 in United States currency seized from the residence at 4612 East Seedling Mile Road, Grand Island, Nebraska on December 15, 2009.

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1).

D. The aforementioned forfeited properties is to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

ORDERED this 26th day of March, 2010.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON, CHIEF JUDGE
United States District Court